

## **FISCAL NOTE**

### **HB 2604 - SB 2898**

February 21, 2008

**SUMMARY OF BILL:** Increases the penalty for arson from a Class C to a Class B felony. Requires a minimum sentence of eight years for the Class B felony offense for arson of a place of worship and a minimum sentence of 15 years for the Class A felony offense of aggravated arson.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - \$2,205,900/Incarceration\***

##### Assumptions:

- Currently, aggravated arson is a Class A felony offense with a sentencing range of 15 to 60 years. For purposes of fiscal notes, these offenses are calculated at 17 years which is above the proposed minimum 15-sentence requirement under this bill. No additional incarceration cost would occur as a result for aggravated arson offenses.
- An average of 40 admissions to the Department of Correction (DOC) for arson offenses in each of the past four years. DOC estimates 15 percent (6) of those involved a place of worship and would currently be sentenced as a Class B at 30 percent. The remaining 34 would be sentenced to a Class B felony for arson offenses and would serve an additional 1.5 years (an increase from 0.9 years to 2.4 years) in the first year as a result of this bill. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 percent over the next 10 years. Population growth would result in an additional four offenders in the tenth year.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 38 offenders serving additional time on their sentences in the tenth year. According to the DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 0.9 years is \$20,637.67 (\$62.78 x 328.73 days). The cost per inmate at 2.4 years is \$55,032.95 (\$62.78 x 876.60 days). The additional cost of increasing the average sentence length from 0.9 years to 2.4 years is \$34,395.28 (\$55,032.95 - \$20,637.67). The total

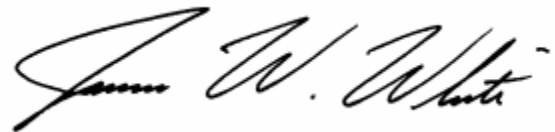
additional operating cost for 38 offenders in the tenth year is \$1,307,020.64 (\$34,395.28 x 38).

- Six offenders would be sentenced for a Class B felony offense for arson of a place of worship and would be required to serve a minimum eight-year sentence as a result of this bill in the first year. Population growth would result in one additional offender in the tenth year. The maximum cost in the tenth year is based on seven offenders serving an additional 5.6 years (an increase from 2.4 years for a Class B at 30 percent to a minimum 8 years) as a result of this bill. The cost per inmate at 2.4 years is \$55,032.95 (\$62.78 x 876.60 days). The cost per inmate at 8.0 years is \$183,443.16 (\$62.78 x 2,922 days). The additional cost of increasing the average sentence length from 2.4 years to 8.0 years is \$128,410.21 (\$183,443.16 - \$55,032.95). The total additional operating cost for seven offenders in the tenth year is \$898,871.47 (\$128,410.21 x 7).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc